

UNITED STATES COURT OF APPEALS  
FOR THE TENTH CIRCUIT

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November 12, 2009  
Elisabeth A. Shumaker  
Clerk of Court

CHICAGO INSURANCE COMPANY,  
an Illinois corporation,

Plaintiff - Appellee,

v.

JAN B. HAMILTON, Ph.D., d/b/a  
Nutritional Biomedicine,

Defendant - Appellant.

No. 09-1498  
(D.C. No. 1:09-CV-01815-LTB-MJW)

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**ORDER**

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Before **KELLY, HARTZ**, and **GORSUCH**, Circuit Judges.

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The defendant appeals a minute order entered by the magistrate judge ruling on several pretrial motions. The appeal is dismissed for lack of jurisdiction.

Except for proceedings conducted by the magistrate judge on consent of the parties pursuant to 28 U.S.C. § 636(c), a court of appeals lacks jurisdiction to hear an appeal taken directly from a decision of a magistrate judge. *See Colorado Building & Construction Trade Council v. B.B. Andersen Construction Co.*, 879

F.2d 809 (10th Cir. 1989).

Moreover, no final judgment has been entered by the district court. This court has jurisdiction to review only final decisions, 28 U.S.C. § 1291, and specific types of interlocutory orders not applicable here. A final decision is one that “ends the litigation on the merits and leaves nothing for the court to do but execute the judgment.” *Cunningham v. Hamilton County*, 527 U.S. 198, 204 (1999) (quoting *Van Cauwenberghe v. Biard*, 486 U.S. 517, 521-22 (1988)).

**APPEAL DISMISSED.**

Entered for the Court  
ELISABETH A. SHUMAKER, Clerk

A handwritten signature in cursive script, appearing to read "Ellen Rich Reiter".

Ellen Rich Reiter  
Deputy Clerk/Jurisdictional Attorney